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Summary of Stakeholders' submissions on Chad*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 13 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations[2] and cooperation with international human rights mechanisms and bodies[3]

2. La Plateforme des organisations Tchadiennes de défense des droits de l'homme (Platform of Chadian Human Rights Organizations) (JS1) noted that no international human rights instrument had been ratified since the 2013 universal periodic review, despite Chad having accepted recommendations to that effect.[4]

3. The International Federation of Action by Christians for the Abolition of Torture (FIACAT) stated that Chad had not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance, contrary to the recommendations accepted during the second cycle of the universal periodic review.[5]

4. Referring to relevant supported recommendations from the UPR of Chad in 2013, JS4 stated that the government has not implemented any recommendations fully.[6]

5. 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the rights to privacy; and 7) Working Group on Arbitrary Detention.[7]

* The present document was not edited before being sent to United Nations translation services.

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B. National human rights framework[8]

6. Referring to relevant supported recommendations, Amnesty International (AI) stated that Chad failed to bring its legislation in line with international law and standards. National laws regulating the rights to freedom of association and peaceful assembly have not been amended and brought into conformity with Chad's obligations under international law. In 2016, Chad issued at least 13 decrees confirming a ministerial decision to refuse authorization to protest.[9]

7. JS1 reported that, following the seventeenth session of the universal periodic review in 2013, Chad had enacted a new Criminal Code and Code of Criminal Procedure in May 2017. Referring to the commitment made by the Government during the review in 2013 to abolish the death penalty, the Platform notes that this commitment had only been partially fulfilled. The death penalty, although abolished under the new Criminal Code, has in fact been maintained for terrorism-related offences.[10]

8. FIACAT stated that the new Criminal Code was enacted on 8 May 2017. It abolished the death penalty for ordinary crimes, but its final provisions retained Act No. 034/PR/2015 of 5 August 2015 on the punishment of acts of terrorism. Chad has therefore not abolished the death penalty for all offences. Nevertheless, it should be noted that no death sentences were handed down in 2016 and 2017, although a number of suspected Boko Haram militants had been charged and transferred to the prison of Korotoro pending trial.[11]

9. JS1 noted that, despite Chad having accepted a number of recommendations for the establishment and effective functioning of the National Human Rights Commission, the National Human Rights Commission Act had only been enacted in 2017 and no structure had been set up to date.[12]

10. JS1 noted with concern that Decree No. 08/PR/2017 of January 2017 on the restructuring of the National Security Agency strengthened the powers of the Agency and provided it with the legal authority to arrest and detain, for the purposes of an investigation, suspects posing an actual or potential threat under the laws of the Republic. However, there was no clear legal framework setting out the purpose of such powers or the circumstances in which they may be used.[13]

11. FIACAT reported that, in accordance with the commitments made during its previous universal periodic review, Chad had enacted a new Criminal Code on 8 May 2017, which incorporated into its provisions the offence of torture. The definition was consistent with that contained in the Convention against Torture. The new Criminal Code provided for sentences of 20 to 30 years' imprisonment for acts of torture resulting in the unintentional death of a person. The sentence is 10 to 20 years' imprisonment in cases of torture that permanently deprive the victim of the use of all or part of their limbs, an organ or a sense. In the event that the torture leads to illness or incapacity to work lasting more than 30 days, the sentence is 5 to 10 years' imprisonment and a fine of 300,000 to 1 million CFA francs. In other cases, the sentence is 2 to 5 years' imprisonment and a fine of 100,000 to 500,000 CFA francs. The new Criminal Code explicitly states that no exceptional circumstances may be invoked as a justification for torture.[14]

12. FIACAT also noted that the new Criminal Code represented a significant step forward. It failed however to establish that acts of torture should not be subject to a statute of limitations; in addition, it had not yet been adequately publicized or explained in police stations and gendarmeries where numerous cases of torture were recorded. To date, no convictions for torture had been handed down on the basis of the new Criminal Code.[15]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[16]

13. AI recommended that the austerity measures do not result in discrimination of any kind, and that Chad prioritize the most marginalized groups when allocating resources, and adopt all necessary measures to address any disproportionate and compounded effects of such measures on them.[17]

Development, the environment, and business and human rights[18]

14. Le collectif des associations de défense des droits de l'homme (Collective of Associations for the Defense of Human Rights) (JS2) noted that a number of challenges remained, despite the existence of Act No. 14/2008 regulating forests, wildlife and fisheries, Decree No. 630/PR/PM/MEERH/2010 regulating environmental impact studies, Decree No. 904/PR/MEHR/2009 regulating pollution and environmental hazards and Decree No. 378/PR/PM/MAE/2014 promoting environmental education in Chad, and a number of United Nations framework conventions on the protection of the environment. These challenges included: pollution linked to the exploitation of natural resources, illegal logging, and the lack of collection and treatment of household refuse and waste water.[19]

Human rights and counter-terrorism

15. Front Line Defenders (FLD) stated that Chad has faced repeated attacks perpetrated by the armed group Boko Haram in the Chadian capital, N'Djamena, and also on islands on Lake Chad. The counter-terrorism operations conducted by the government had an impact on human rights, including restrictions on freedom of movements and the adoption of restrictive legislations. On 9 November 2015, the Chadian government declared a state of emergency in the Lake Chad region, providing the governor of the region with the authority to ban the movement of people and vehicles, search homes and recover arms. Earlier that year, on 30 July, the National Assembly adopted a controversial anti-terrorism law that includes a provision of death penalty for terrorism offences.[20]

16. FIACAT stated that the Terrorism Act stipulated the death penalty for any person who committed a terrorist act, financed such an act or recruited or trained persons for participation in such an act, no matter where the offence was committed. In addition, this oppressive Act failed to clearly define the concept of terrorism, thus leaving open the possibility of reprisals against human rights opponents or activists.[21]

17. JS1 noted with concern that, in the context of the fight against terrorism, between 2015 and 2016 more than 200 alleged Boko Haram members were arrested in the Lake Chad region and transferred to the high security prison in Korotoro without being brought before an investigating judge, in violation of their right to a fair trial. Since then, they have been held without trial.[22]

18. JS1 noted that, in August 2015, 10 Boko Haram members were sentenced to death at a summary trial. They were executed the following day without being allowed recourse to legal remedies such as an appeal in cassation or a presidential pardon.[23]

2. Civil and political rights

Right to life, liberty and security of person[24]

19. JS1 reported that law enforcement officials and security forces regularly resorted to disproportionate and excessive use of force against unarmed demonstrators. On 9 March 2015, the police suppressed a demonstration of pupils and students, shooting one of them dead. On 14 November 2016, a land dispute arose between the Miandoum population and transhumant herders. Security forces deployed from Doba and Bebedja used live ammunition in suppressing the peaceful demonstration of indigenous Miandoum heading

for the city of Bebedja to make their voices heard. That action by the gendarmerie and the national police reportedly left at least seven civilians dead and 17 others injured. No legal action had been taken in the case, which fostered impunity.[25]

20. JS1 noted with concern that, on 27 November 2017, the police fired at close range at young persons from Pont Carol who were protesting peacefully against the sale of land intended for the town market by the acting mayor, killing six and injuring several others. No judicial investigation has been undertaken to date.[26]

21. FIACAT noted that, on 9 April 2016, some members of the military who had voted for opposition candidates in the presidential elections were arrested. Some were reported missing and their families have not heard from them since. A judicial inquiry was opened by the High Court in N'Djamena, which was subsequently discontinued. Another case concerned journalist Noubadoum Sotina who disappeared on 4 March 2014 in Douala, Cameroon, while travelling on mission to the Congo. Despite efforts by his family and his colleagues, the Governments of Chad and Cameroon are unable to provide any information on the disappearance.[27]

22. FIACAT also noted that cases of torture continue to be reported, the main victims being members of civil society organizations, human rights defenders and journalists. Cases of torture are reported to have occurred in police detention facilities, where victims are summoned at the weekends and then pressurized, including through acts of torture, to make a confession or pay what they owe their opponents. For example, Mahamat Abakar Hassane, who had been held in custody at the N'Djamena central police station for over 27 days, was tortured over a bill for the sale of a vehicle. He died on 8 October 2016 as a result of acts of torture. A complaint was brought against the police officers concerned, but the judge dismissed the case against them. The case, which is being monitored by ACAT Chad, is currently under appeal.[28]

23. AI recommended that the government immediately and publicly instruct the police, the army, the National Security Agency and the gendarmerie, to end unlawful arrests and detention, incommunicado detention and refrain from detaining people without charge beyond the 48-hour period stipulated in the Criminal Code.[29]

24. With regard to prisons in Chad, FIACAT noted that the living conditions of prisoners, including food, hygiene and sanitation, remain a major concern in all 45 short-stay prisons. Detainees were entitled to only one meal of questionable quality per day and none of the prisons conformed to international standards. Prison overcrowding was also a cause of great concern. According to the 2016 statistical yearbook of the judicial system, Chadian prisons housed a total of 7,719 detainees including 2,872 convicted prisoners, 2,903 defendants, 1,909 accused and 35 imprisoned for debt. This number has undoubtedly increased in recent months as a result of strikes that have paralysed the justice system. In response, the President of the Republic made a surprise visit to N'Djamena remand prison in May 2017 and ordered the release without trial of minors and pregnant women.[30]

Administration of justice, including impunity, and the rule of law[31]

25. FIACAT noted that several States had made recommendations on judicial reform to Chad in 2013. Despite the efforts made by technical and financial partners to support such reform, no changes have been observed. The Chadian justice system remained plagued by several problems, such as the judiciary's lack of independence from the executive, the lack of quality training for judges and registrars, patronage, corruption, lack of proper courthouses, and the fact that judges do not feel safe.[32]

26. Human Rights Watch (HRW) noted with concern the government's failure to make reparations to victims of Hissène Habré-era abuses despite its legal obligations and a 2015 decision by a Chadian court ordering it to provide compensation to over 7,000 victims.[33]

27. The same organization stressed that on March 25, 2015, after a three-month trial, the Court of Appeals of N'Djamena convicted 20 Habré-era security agents on charges of murder, torture, kidnapping, and arbitrary detention. The Court ordered the convicted persons to pay damages to the 7,000 civil parties the equivalent of 50% of 75 billion CFA francs (approximately $125 million USD), with the remaining 50% to be borne by the

Chadian state. The Court held that the Chadian government was liable for the acts of its agents. The Court ordered that the Prime Minister establish a Commission to implement the judgment. It also ordered the construction of a memorial to the victims within a period not exceeding one year from the date of the judgment. Additionally, the Court ordered that the headquarters of the former DDS be transformed into a museum.[34]

Fundamental freedoms and the right to participate in public and political life[35]

28. JS1 noted that arbitrary arrest and detention have increased in recent years. In the majority of documented cases, the National Security Agency was identified as the main perpetrator of such human rights violations. Agency officials regularly violated human rights with impunity by abducting, detaining and torturing people, including journalists and human rights defenders, who continued to be subject to threats, intimidation, arrests and inhuman and degrading treatment in the exercise of their duties.[36]

29. AI recommended that Chad effectively address threats, attacks, harassment and intimidation against human rights activists and journalists, including by thoroughly, promptly and independently investigating human rights violations and abuses against them and bringing the suspected perpetrators to justice in fair trials without recourse to the death penalty, and providing effective remedies and adequate reparations.[37]

30. FIACAT noted that arbitrary and abusive detentions were being used as a means of putting pressure on opponents and activists.[38]

31. The International Service for Human Rights (ISHR) noted that following a change of mandate in January 2017 by decree no. 008/PR/2017, agents of the National Security Agency can now arrest human rights defenders (HRDs) for reasons related to national security to "detect, prevent and anticipate any subversive activity and destabilization directed against the vital interests of the State and the Nation" (article 6 of the decree). HRDs are often prosecuted for "terrorism" and "endangering state security" on the basis, inter alia, of Law 34/PR/2015 on the Suppression of Acts of Terrorism, whose content remains relatively vague and confusing.[39]

32. Referring to a growing trend of government ordered internet shutdowns on the continent, Internet without borders, Access Now, Utopie Nord-Sud and Réseau des défenseurs des droits humain en Afrique centrale (JS3) stated that the government in Chad was no exception. The government blocked all social networks and messaging applications in February 2016 during major demonstrations and on 10 April 2016, the day after the presidential elections, including access to the Internet and SMS/messaging services.[40]

33. JS3 noted with concern that on April 21, 2016, the day the interim election results were announced, the authorities reinstated SMS/messaging services, but the connection to social networks was not fully restored until December 3rd. At the same time, the government blocked access to internationally roaming data services, including the BlackBerry service, citing security concerns that criminals and terrorists from other countries were using the Internet. The authorities also stated that the disturbances were related to technical problems, which was greeted with great scepticism.[41]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[42]

34. JS2 indicated that Chadian legislation guaranteed access to public employment and also provided for equal pay between men and women. Employees of the State were governed by Act No. 17/PR/2001 on the General Civil Service Regulations and private sector workers by Act No. 038/PR/1996 on the Labour Code in the Republic of Chad. Graduates of specialist training schools who could provide expertise were not recruited into the civil service, despite a crying need. Civil service appointments were not made on the basis of competence. Appointments had been frozen for some time owing to the economic crisis.[43]

Right to an adequate standard of living[44]

35. JS2 stated that Chad had prioritized the eradication of poverty through its National Poverty Reduction Strategy and the adoption of the National Development Agenda in 2017. It focused notably on the right of access to drinking water, the right to education, the right to food, the right to health, the right to decent housing, the right to work and the right to a healthy environment.[45]

36. JS2 was also concerned that access to safe drinking water remained a challenge in Chad. Citing the 2015 UNICEF report, it noted that the rate of access to drinking water was one of the lowest in the world (12 per cent) and that the Government's efforts with the support of international partners remained insufficient.[46]

37. Referring to relevant supported recommendations, AI stated that, in 2013, Chad committed to prioritize the social sectors, such as health and education, in government expenditures and to step up efforts to ensure better access to and quality of health and education services. Yet, since the economic crisis was announced in 2015, the government has taken several austerity measures that do not conform to the minimum core content of economic, social and cultural rights, including in relation to health care, education and an adequate standard of living.[47]

Right to health[48]

38. JS2 stated that progress had been made by the Government in the construction and renovation of health infrastructure and in the training and retraining of health workers. The prevalence rate of HIV/AIDS had declined significantly, from 4.8 to 2.5 per cent. However, Chad did not have an adequate public health policy. The scarcity of doctors should also be noted (1 doctor per 400 inhabitants). Free health care remained an empty promise. Chad was one of the countries that ranked lowest in terms of reproductive health, with a high fertility rate. That was due to a lack of awareness and limited use of modern contraceptives.[49]

39. AI stated that, in August 2017, the free emergency health care policy was revised and the list of emergencies it covers reduced to five, including complicated deliveries, malaria for pregnant women and children below 5 years old, fistulas, and snake and scorpion bites. Patients now have to pay for other emergency health care services that used to be available free of charge. According to several public health centres and hospitals, since 2015 they have not received allocations of free drugs and equipment from the government. As a result, these supplies are either unavailable, or health centres ask patients to pay for medicines and the equipment they use.[50]

40. JS2 noted with concern that the practices of excision and early marriage were becoming more and more entrenched, which had an impact on the health of girls, causing injuries and other complications such as fistulas.[51]

Right to education[52]

41. JS2 noted with concern that, despite the many reforms of the education system, Chad had not been able to provide its young people with quality education despite an increase in the enrolment rate at all levels of education at an average annual rate of between 8 and 12 per cent. The decisions of the national consultations on education had not been implemented. Education coverage for each cycle remained low and the failure rate for examinations was the highest in the Central African subregion. The education system was also characterized, inter alia, by insufficient quantity and quality of teachers, a lack of infrastructure and teaching materials, an uneven start to the school year and the politicization of the system. The budget allocated to the Ministry of Education had been effectively cut by more than 50 per cent over the past three years.[53]

4. Rights of specific persons or groups

Women[54]

42. JS2 stated that, compared to past decades, gender-based violence and discrimination against women were on the decline. That was reflected in the adoption of Act No. 001/PR/2017 of 8 May 2017 on the Criminal Code, Act No. 006/PR/2002 on reproductive health, and Act No. 029/PR/2015 prohibiting child marriage and gender-based violence. In practice, the problem continued. In 2015, a female student from the Adam Barka University in Abéché was gang raped by 12 young people at 11 p.m. during a National Women's Week fair. The perpetrators were identified, but the case was discontinued. In 2018, the District Hospital of Abéché recorded three cases involving the rape of minors aged 8, 9 and 10 years, but the cases were settled amicably by the parents of the parties before the Supreme Council of Islamic Affairs of Abéché.[55]

Children[56]

43. The Global Initiative to end all corporal punishment of children informed that, in Chad, corporal punishment of children is lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child, the Human Rights Committee, the Committee Against Torture, and the African Committee of Experts on the Rights and Welfare of the Child.[57]

44. The same organisation noted that, in 2017, the African Committee of Experts on the Rights and the Welfare of the Child recommended that Chad prohibit corporal punishment in all settings, including the home, and repeal any provisions providing a legal defence or authorisation to its use.[58]

45. Referring to the ratification and adoption by Chad of international children's rights instruments, the Collectif Tchadien pour la défense des droits des femmes et des enfants (Chad Collective for the Defence of the Rights of Women and Children) stated that child trafficking was common in Chad. No coherent policy had been put in place to combat child trafficking effectively, which explained why so many trafficking cases continued to be recorded.[59]

Persons with disabilities[60]

46. JS2 noted that none of the nine recommendations made in 2011 relating to persons with disabilities had been implemented. Persons with disabilities were languishing in misery and poverty. Despite Act No. 007/PR/2007 of 28 June 2007 on the protection of persons with disabilities, Decree No. 136/PR/PM/MASF/1994 proclaiming a National Day for Persons with Disabilities, and Order No. 377/MEN/DG/1995 providing for an exemption for students with disabilities and parents with disabilities, enrolment and tuition expenses continued to pose challenges. Other challenges included a lack of facilities to accommodate the special needs of persons with disabilities, an absence of specialized education programmes for persons with disabilities, discrimination with regard to employment and the stigmatization, marginalization and precarious position of women with disabilities (sexual exploitation and neglect).[61]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom);
FIACAT	Fédération internationale de l'action des chrétiens pour l'abolition de la torture, Paris, France;
FLD	Front Line Defenders, Brussels, Belgium;
ISHR	International service for human rights, Geneva, Switzerland;
	The Global Initiative to end all corporal punishment of

children.

Joint submissions:

JS1 **Joint Submission 1 submitted by**: La plateforme des organisations Tchadiennes de défense des droits de l'homme, N'Djamena, Tchad;

JS2 **Joint Submission 2 submitted by**: Le collectif des associations de défense des droits de l'homme, N'Djamena, Tchad;

JS3 **Joint Submission 3 submitted by**: Internet without borders, Access Now, Utopie Nord-Sud and Réseau des défenseurs des droits humain en Afrique centrale;

JS4 **Joint Submission 4 submitted by**: Word alliance for citizen participation (CIVICUS) and Réseau des défenseurs des droits de l'homme en Afrique Centrale, Geneva, Switzerland;

JS5 **Joint Submission 5 submitted by**: Le collectif Tchadien pour la défense des droits des femmes et des enfants, Ndjamena, Tchad.

[2] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
RSC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] For relevant recommendations see A/HRC/25/14, paras. 110.1–30.

[4] Platform of human rights organizations (JS1), p. 3.

[5] FIACAT para. 10.

[6] CIVICUS, Réseau des défenseurs des droits humains en Afrique centrale, para. 4.1.

[7] IBID. para. 4.1.

[8] For relevant recommendations see A/HRC/25/14, paras. 110.31–97.

[9] Amnesty International, p. 2.

[10] JS1. P. 3.

[11] FIACAT, para. 5.

[12] JS1, p. 3.

[13] Ibid. p. 4.

[14] FIACAT, para. 11.

[15] FIACAT, para. 12.

[16] For relevant recommendations see A/HRC/25/14, paras. 110.9–92.

[17] Amnesty international, P 7.

[18] For relevant recommendations see A/HRC/25/14, paras. 110.149-174.

[19] Collectif des Associations de Défense des Droits de l'Homme, para. 27.

[20] Front Line Defenders, para. 4.

[21] FIACAT para. 3.
[22] JS1 p. 8 et 9.
[23] JS2 p. 10.
[24] For relevant recommendations see A/HRC/25/14, paras. 110.93–95 and 110.136–114.
[25] JS1 p. 9.
[26] IBID. p. 9.
[27] FIACAT para. 8 et 9.
[28] IBID. para. 13 et 17.
[29] Amnesty International, P6.
[30] FIACAT, para. 24.
[31] For relevant recommendations see A/HRC/25/14, paras. 110.99–101 and 127–132.
[32] FIACAT, para. 28.
[33] HRW, p. 1.
[34] IBID. p. 3.
[35] For relevant recommendations see A/HRC/25/14, paras. 110.98–145, 148.
[36] JS1 p. 6 et 7.
[37] Amnesty International, p. 6.
[38] FIACAT, para. 23.
[39] ISHR, p. 2.
[40] JS3, paras. 31, 32 and 33.
[41] IBID. para. 34.
[42] For relevant recommendations see A/HRC/25/14, paras. 110.149–153.
[43] JS2, para. 26.
[44] For relevant recommendations see A/HRC/25/14, paras. 110.156–158.
[45] JS2, para. 20.
[46] IBID. para. 21.
[47] Amnesty international, p. 2.
[48] For relevant recommendations see A/HRC/25/14, para. 110.155.
[49] JS2, para. 24.
[50] Amnesty international, p. 5.
[51] JS2, para. 24.
[52] For relevant recommendations see A/HRC/25/14, paras. 110.160–172.
[53] JS2, para. 22.
[54] For relevant recommendations see A/HRC/25/14, paras. 110.102-119.
[55] JS2, para. 32.
[56] For relevant recommendations see A/HRC/25/14, paras. 110.120–126.
[57] Global Initiative to end all corporal punishment of children, Briefing for UPR 31, P 1.
[58] IBID. P 3.
[59] JS2, p. 5.
[60] For relevant recommendations see A/HRC/25/14, para. 110.173.
[61] JS2, para. 35.